

plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 26, April 22 and 29, and May 21, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25735. Misbranding of apples. U. S. v. Otto W. Borden. Plea of nolo contendere. Fine, \$10. (F. & D. no. 35879. Sample nos. 10555-B, 17847-B, 17849-B.)

This case involved an interstate shipment of apples that were below the grade declared on the label.

On September 4, 1935, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Otto W. Borden, trading at Front Royal, Va., alleging shipments by the defendant in violation of the Food and Drugs Act as amended, between the dates of September 26 and October 2, 1934, from the State of Virginia into the State of Pennsylvania, of a quantity of apples that were misbranded. The article was labeled in part: "Stayman Winesap Packed By O. W. Borden, Front Royal, Va. U. S. No. 1 2½ Min."

The article was alleged to be misbranded in that the statement "U. S. No. 1", borne on the baskets containing the article, was false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of baskets examined contained apples of a lower grade than declared on the label. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On October 28, 1935, defendant entered a plea of nolo contendere and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*

25736. Adulteration of canned salmon. U. S. v. Alaska Icepak Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 26966. Sample nos. 37948-B, 27962-B, 37963-B, 37965-B, 37966-B, 37969-B, 37970-B, 37983-B, 37984-B, 37991-B, 38018-B, 38019-B, 38020-B, 38022-B, 40412-B, 40417-B, 40418-B.)

This case involved shipments of cans of salmon that was in part decomposed.

On April 15, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Icepak Corporation, Cordova, Alaska, alleging that on or about June 8, June 17, and July 6, 1935, the defendant had shipped from Alaska into the State of Washington a number of unlabeled cans of salmon, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed and putrid animal substance.

On June 23, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25737. Adulteration of chili powder and chili pods. U. S. v. 9 Barrels of Chili Powder, and other actions. Default decrees of condemnation and destruction. (F. & D. nos. 36884, 37143, 37156, 37160, 37161, 37168, 37184, 37337. Sample nos. 9428-B, 32463-B, 34560-B, 34769-B, 34770-B, 56026-B, 56171-B, 68176-B.)

These cases involved chili powder and chili pods that contained excessive arsenic and, in one instance, excessive chlorine.

On December 28, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine barrels of chili powder at Chicago, Ill.

On February 1, 4, 5, 8, 10, and March 7, 1936, libels were filed against 198 pounds of chili powder at Cincinnati, Ohio; 2 barrels of chili powder at Louisville, Ky; 75 barrels of chili powder and 40 bales of chili pods at East San Pedro, Calif.; 7 barrels of chili powder at Memphis, Tenn.; and 3 barrels of chili powder at Nashville, Tenn. The libels alleged that the articles had been shipped in interstate commerce between the dates of December 2 and December 21, 1935,

by W. H. Booth & Co., in various shipments from Los Angeles, Calif.; Chicago, Ill.; New Orleans, La.; and Santa Ana, Calif., and charged adulteration in violation of the Food and Drugs Act. The chili powder was labeled in part, "Toreador Brand."

The articles were alleged to be adulterated in that they contained an added poisonous and deleterious ingredient, arsenic, and in one lot of the powder, also fluorine, which might have rendered them injurious to health.

On February 25, March 2, 7, 23, and 31, and June 3, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25738. Adulteration of canned salmon. U. S. v. Washington Fish & Oyster Co., a corporation. Plea of guilty. Fine, \$26 and costs. (F. & D. no. 36946. Sample nos. 38000-B, 40419-B, 40429-B, 40434-B, 40455-B, 40463-B.)

This case involved shipments of canned red salmon that was in part decomposed.

On May 15, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Fish & Oyster Co., a corporation, Seattle, Wash., alleging that on or about June 23 and July 15, 1935, the defendant had shipped from Port Williams, Territory of Alaska, into the State of Washington a number of unlabeled cans of salmon, and charging that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed animal substance.

On June 27, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25739. Misbranding of salad oil. U. S. v. 176 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36862. Sample nos. 44011-B, 44014-B.)

This product consisted essentially of sunflower-seed oil or corn oil, and its label bore statements implying that it was olive oil.

On December 23, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of numerous cans of salad oil at Providence, R. I., alleging that the article had been shipped in interstate commerce, on or about December 4, 1935, by the Economu-Ritsos Co., from New York, N. Y., into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "One Gallon Net Prodotto Garantito Olio Finissimo LaGustosa Brand."

Misbranding of the product was charged under the allegations that the label on the cans bore the statements, to wit, "Olio Finissimo", and "L'Olio che questa latta contiene e di qualita extra fina insuperabile per tavola, cucina, etc."; and that the said statements were false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting essentially of sunflower or corn oil with little or no olive oil, in packages bearing designs of olive branches, in that they implied that the article was olive oil.

On April 28, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25740. Adulteration of dried peaches. U. S. v. 30 Cases of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36863. Sample no. 38724-B.)

The article was worm-infested.

On December 21, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of dried peaches at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about October 1, 1935, by the California Prune & Apricot Growers Association, from San Jose, Calif., to Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Twenty Five Lbs. Net California Peaches Prepared with Sulphur Dioxide."